G. R. S. 58]

Previous references.

1924.25
(Mng)

File No. 85-24
Serial Nos. 1-4

Later references.

(29)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for March 1925

SUBJECT

Alienation of lands endowed for Varamiha swami temple Vadakpal: Bangalore adj.

G.O.N° 1299/mur 85-24-4 & 2-3-25. Rejects the appeal & Rejects claim in respect of S.N° 13 & Kanganatha jam Bangalore Taluk.

B170

Muz 1] 1924.

MUZRAI SECRETARIAT.

(Muz.)

NOTES.

File No.

FILE HEADING.

Alienation of the Lands enjoyed by Sri Narasimha Swami temple in Bale Bangalore city.

From A. Rajachar Son of Ramachar

~~No~~ Petition Dated 3-10-24 Received

Diary No. 402	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the Muz. Comr's order refusing the parties to the civil court in the matter of the alienation through permanent lease of S. No. 13 in Kayamgutta Ranganathapura Village Bangalore Taluq, said to have been enjoyed by the said temple.

NOTES AND ORDERS.

The petition is properly stamped.

A copy of the Muz. Comr's order appealed against, is produced.

The Muz. Comr's order is and the appeal received on

NOTES--First Sheet

WD 0560—GPB—500—9 8-22

Serial No.

May a rebut with records be called for? Submit. for orders.

AG 10/10/24

The land in question is not an inam granted by Govt. and the appeal does not seem to be supported by any documentary evidence. The party will have to seek redress in Civil courts in the matter. The appeal is liable to be dismissed

BG 10.10.24

Govt Cannot interfere in the matter. The appeal may be rejected

13/10/24

276/13/10 Duo Member

~~NOT~~

Records may be called for from the Cmr.

15/10

15/10/24

15-10-24.

Dft. Srshtdr

AG 16/10/24 BG 16/10

Issue

19.10.24.

G.R.S III 2]

B65WD.0531

File No. of 19

General and Revenu
Secretariat.

Serial No.	

General and Revenue Secretariat.

Muz. File No. 85 of 1924.

Serial No.	
2	To the Muzrai Commr. No. 5690. 24.10.24. Forwards the above petition for report with connected records.
3.	From, The Muz. Comr. Letter no C-481 Dy 22.12.24. Submits the report him vends called for in Sl. 2.
9.	The facts of the case are given in the preamble to the Muz. Comr's. order appealed against.
9	The petr's complaint is that S.no. 13 of Kanyam patta Ranganatha pura Village, Bangalore Taluk, which is an inam granted by the Kings ancestors to Sri Nara. Simha Swamy temple at Belapur Bangalore, has been leased out in perpetuity to his opposite Ramakrishnappa in the year 1922. at a nominal rent of Rs 20/- per year.
(Copy of the report Document K.	Attention is respectfully invited to the Dy. Comr's. order Dy 16.7.23 stating that the "Sud" prepared at the time of the Valuation Survey of 1879 states that the land is Sarvamanya inam to the temple, The ANOTE-Copies sheet is [illegible]

is not conclusive evidence, it is at least evidence and that the duty of rebutting it lies on the Archak (Varadachar who has alienated the land to the opponent). He seems to recommend that the land may be resumed to the institution etc. In his order dt 19.1.1924, the Dy. Comr has stated that the parties might seek their remedy in the civil court rather than from him as he did not grant the land as inam to the institution. The Asst. Comr agrees with the Dy. Comr that the matter is one for adjudication in a civil court.

The petr complains that there is ample evidence that the land is inam to the temple and prays that it may be resumed to him.

In his kyphiat before the Amildar dt 10th October 1922, Ramakrishniah - the alienee - states that S. no. 12 which adjoins S. no. 13 under dispute is learnt to be devadaya inam endowed to the

Serial No.

NOTE—Contn. Sheet

G. R. S. III-2,

General and Revenue Secretariat. | File No | of 19

Serial No.

temple of Sri Narasimha Swamy in question - There is no information whether this piece of land is now in the enjoyment of the temple and whether any income is realized from it etc. May information be called for on this point?

Submitted for orders
8.1.25

The temple is a muzrai endowed with cash grant.

Ramakrishniah has petitioned Govt praying that the Muzrai Comrs. order referring the parties to civil courts, may be cancelled

Submitted
8.1.25

The suit copy on which the appellant relies is said by the Survey Supdt does not by itself constitute a title to the land in question, and both the Govt and Muzrai Comr say that this is a matter which has to be adjudicated in a civil Court.

NOTE—Contn. sheet

The order of the Deputy Commr
seems to be quite right.
Appeal, accordingly, may be dismissed
& the appellant must pay Govt Costs
No reason for
interference in the matter.

8/1/25

The only section under Rep
under which [redacted] certain could be called
in aid is 10 & 14. The latter is not applicable
in the case as the dam in question is not
one framed by Govt. Sec 10 would have
been applicable if there were conclusive
proof that the land forms the property
of the temple. The 2nd Counter petitioner claims
the land to be his own ancestral property. The only
evidence produced by the petitioners is the 'Sthala' extract,
which the Counter petitioners say is wrong. Perusal
of it is unable to decide the controversy
in as much as the Endorsement from the owners
says wherein he admits that the 'Sthala' does not settle
the owners of the lands. Under the circumstances, it
appears that the petitioners should establish their claim
claim of the temple, before Govt can interfere.

10/1/25.

2nd member

189
10-1

Serial No.

I should like to hear the parties
Case may be posted for hearing
on the further notice

Date 27th Jan

12/1

12/1/25.

Dft. Notices ordered

14.1.25. 14/1

Case Called

Mr Narayandas for applicants

Mr Ramachandra for Resp

were heard.

Order reserved

27/1.

From the records it would appear that
the land in question was endowed
by first or Dharm ki Chhatra. If
it was granted by the Temple etc.
it must have been for the charity
& not by first.

Though under Sec 13

Serial No.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | File No | of 19

Serial No.

Shamsuddin Sheikh adjudicator on ~~the~~ an
a civil cons. . . The appeal
is accordingly dismissed

8/2/25
Pl. 9.2
9.2.25.

D/f. Bridge Subdiv.
m/16.2.25 16/2/25.

Done
16.2.25

4 To the Manag. Kamrup St. Mems No. 1299 dt. 2.3.25. Fwd. copy of grant order in Appeal No. 13 of 24-25 dismissing the above appeal as the ownership of the land in the plaint has been established beyond doubt & as the case is therefore one in which Govt. cannot get the matter adjudicated in the Courts.

D/f. end. Subdiv
m/4.3.25. 4/3/25

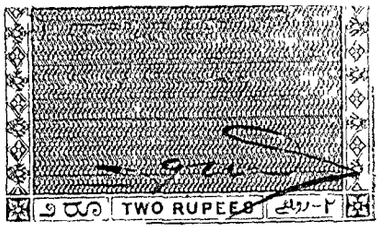
When you are giving a copy of this order, no Stamp is necessary. In all appeal Cases hence forward you will be pleased to send a copy as is done in Rev. appeals

4.3.25

1 18/5/25

NOTE—Contn. sheet

AV 5/3



Muz 402.

Before the Government of H.H. the Maharaja of Mysore.

Muz. Rev. Petition No. of 1924-25 Muz. 85-24-1.

PETITIONER

A.Rajachar son of Ramachar, Kayamguttadar, Ranganathapura village, residing in 43-44, Hospital Lane, Bangalore City

OPPONENTS

1. Ramakrishnappa, 40 years old Brahmin, Clerk, Mysore Woollen and Cotton Mills, Malleswaram, Bangalore.

2. Varadachar, 65 years old, Brahmin, Archak, Sri Narasimhaswamy temple, Balepet, Bangalore City.

Under Section 22 of the Muzrai Regulation, the petitioner above-named most respectfully begs to state as follows:

1. The petitioner is one of the Kayamguttadars of Kayamgutta Ranganathapur village, Bangalore Taluk.

2. The ancestors of the petitioner gave survey No.13 in Kayamgutta Ranganathapura village as Inam to Sri Narasimhaswamy temple in Balepet Bangalore city, which is a muzrai institution.

3. The 2nd opponent who is the Archak of the temple, taking advantage of the fact that he has been for a number of years looking after the temple lands, has leased the said survey No.13 in perpetuity to the 1st Respondent at a nominal rental of Rs.20 per year.

4. The said Archak has no manner of right to alienate the property and the alienation is void and opposed to public policy.

5. The lands are valuable, situated as they are within the limits of Bangalore City and is expected to realize a value of nearly Rs. Three thousand. The opponents have in collusion defrauded the temple of this very valuable property

6. The petitioner complained of the unauthorised alienation to the Muzrai Secretary who referred it for disposal to the Deputy Commissioner, who in turn referred it to the Sub Division Officer. Evidence was taken by the Amildar and on his report the Sub Division Officer passed an order declining to interfere in the matter

7. The petititoner filed an appeal against this order to the Deputy Commissioner who, while conceding the case of the petitioner,

~~declined to~~ dismissed the appeal on the ground that since the grant did not originate from the Covernment, no relief could be granted by him.

8. Against this order, the Petitioner appealed to the Muzrai Commissioner (in Appeal No.24 of 1923-24). The learned Muzrai Commissioner dismissed the appeal holding that the petitioner had not proved his title to the property.

9. The petitioner most humbly begs to submit that the order of both the lower appellate courts is opposed to law, equity and facts of the case.

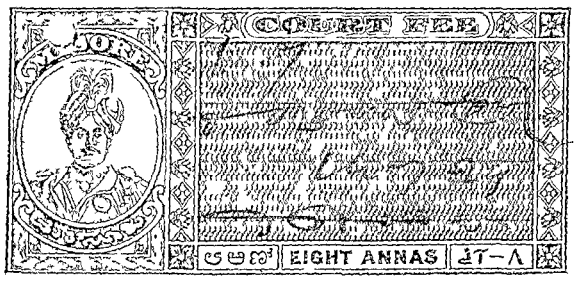
10. The petitioner has adduced ample evidence before the lower courts in proof of his case, whereas there is no documentary or other evidence whatever to support the contentions of the opponents.

11. The petitioner therefore most humbly prays that the Covernment may be pleased to revise the orders of the Muzrai Commissioner, (1) and set aside the alienation (2) resume the lands (3) sell the lands and (4) deposit the amount realised in the name of the temple as proposed.

L Narasimha

Bangalore,
3rd October 24.

Advocate for the Petitioner.



Order of the Deputy Commissioner

Subject Petition, Appeal No 24/20-21

Attested by Marchich from Vinod Chandra Rajachar Kayampattada ---, Kayanad[illegible] village Kanpalore Taluk, praying that the order passed by the Deputy Commissioner, Kupalore dismissing them to seek a remedy in a civil court in respect of their complaint regarding the alienation of S. No 12/1 Kayampattada Kanjanathapa, village adjoining to Sree Lakshmanan in the [illegible] Taluk, Kanpalore Dist.

Appellants
1 Varadachar son of Sivachar Kayampattadar [illegible]
2 Ayachar son of Krishnachar Kayampattadar [illegible] Kanpalore Taluk

Respondents
1 Kesava [illegible] Trustee [illegible]
Woollen and other [illegible] Cloth [illegible]
2 Varadachar [illegible] Chakravarthi [illegible] Kanpalore Taluk

Facts of the case

The Kayampattadar Kayanad[illegible] village complained to [illegible]

in a petition of April 1922 that Pochak Varadachar had alienated S No. 13 (2 acres 3 gunt. 17 Ps) Rengasamudram which had been endowed by their ancestors to the village Perumal temple, Kanchipuram Taluk, Chingleput District and prayed that the Board appoint some one to represent the temple. This was forwarded to the Deputy Commissioner, Chingleput who in turn requested the Assistant Commissioner, Chingleput to enquire into the matter. The latter referred it to the Amildar for enquiry and report. The Amildar after necessary enquiry sent up a detailed report in his No. 560-22-23 dated 3-11-22 the Sub-Division office ordered in its No. C 926/21-22 dated 14-11-22 that the S No. in question is not devadayam and is now in possession of Pochak Varadachar, that in the absence of Survey settlement no value could be attached to the land, which is a record of Valuation Survey and in these circumstances, that it was not possible to enforce as desired by the petitioners. On this, the Mayenur trustees appealed to the Deputy Commissioner. He in his order of 14-1-24 asked the appellants to seek remedy in a civil Court rather than from Government as the Government did not directly regard the matter in question. The present appeal is against this order. In the copy of the lease deed dated 5-4-22 referred to

by the appellants contained in the records
it is mentioned that the land in dispute
which is stated to be in the possession of
the 2nd respondent Varadachar's family
from the time of his ancestors and in his
enjoy rent for the last 40 years & odd
out permanently by himself and his
on a fixed annual payment of
Rs 20/- and a sum of Rs 100/- being the lease
amount of 5 years beginning from 22-23 last
been received in advance from the lessee
The appellants say that the lands are
valuable being within the limits of Bangalore
City and worth nearly Rs 3000/- and have
been leased for a nominal rent and suggest
that in view of the evidence adduced by
them before the Assistant, the alienation
may be set-aside and the land resumed
and sold, the realizations being deposited
in the name of the temple. The appellants
and the respondents who were present with
their respective counsel on the date of
hearing (21-6-24) were heard. On behalf
of the former an authenticated copy of the
Sud was produced.

order Rs in Ry No 24-25 dated 8th July 24

From the endorsement of the Surveyor
Superintendent dated 10th Nov 1923 produced
by the 1st respondent it is evident that
the Sud copy by itself cannot

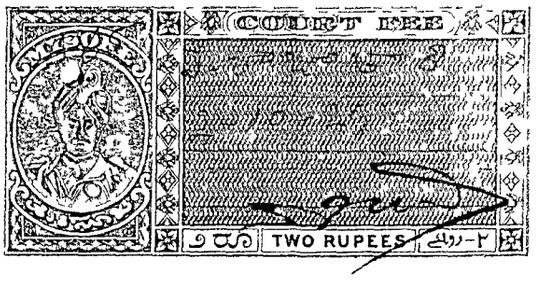
to the appellant and I agree with the Deputy-
Commissioner that the matter is one for
application by recent Control Officer
(sic) case)

Sierra Leone
Vacation Journal

Dismissed
Costs in appeal
4/7/24

AE

No 1 Works 500
Costs in Appeal to
Central Province
Compound by AE



Before the Government of H.H. The Maharaja ಕೋರ್ಟಿಗೆ.

1924 — 1925 ನೇ Muz. Rev. Pet ನಂಬರು.

ನಾದಿ ಯಾ ಅರ್ಜಿದಾರ.

Rajashar

Vs.

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್,

Ramalinga Mudaliar and another

ಮು॥ ರಾ॥ ಎಸ್. ನಂಜುಂಡಯ್ಯ, ಬಿ.ಎ, ಎಲ್ ಎಲ್.ಬಿ., ಅಡ್ವೊಕೇಟ್‌ರವರಿಗೆ

Petitioner ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ

ಈ ನೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಸರನಾಗಿ ಆಪ್ಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ಏನಾದ ಜರಗಿಸುವದಕ್ಕೂ. ನನ್ನ ಸರ ತಗುರ ಎಲ್ಲಾ ನಿಧನಾದ ಆಕ್ಷರೆನ್ನ ಡಿಕ್ರಿಮಾಡಿಸಿ, ಜಾರೀಕ್ರಮ ನಡಿಸಿ ಕಾ ರೆವಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನಮಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ನೊಯಿಲಗೂ, ಪಿಟ್ಟು ನೊಯಿಲಗೂ ಸಹ ಪಡೆಯುವಲಿಕ್ಕೂ ದಸ್ತೈವಜು ಮೆಗ್ಗೆ ರೆಗಳನ್ನು ನಾವಸು ಪಡೆಯುವಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ತಿರ್ಪೋ ನೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಗುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು 3/10/24

ರುಜು

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಹಿ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

S. Nanjunda
Advocate

ಆನಂದವೈಭವ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

0- JAN 1925

Item 1130

Before the Court of Mysore.

Misc. Cf. No. of 24-25

Appellant

Rajachar

vs

Varadachar & another .. Respondent

Memo

The appellant begs to file a Certified copy of the Deposition of the 1st Respondent in S.C. 625 of 1901-02 on the file of the Court of the Subordinate Judge Bangalore.

S. Narayanappa
Advocate for the appellant

Bangalore
9. 1. 25

Pl. place with the records.
9.1.25.

AV
9/1/25

Muz 4]

SUBJECT. .....

.....

.....

Diary No. of letter replied to _____

Section Mmr.

File No 2 M

Serial No.

Muzrai Secretariat

( )

, *the* *192* .

No. 569
Six

Date of issue 21.10.24

To

The Muzrai Commr

Signed by Mr. T. Ramaiya

Sir,

I am directed to forward herewith, for report (the connected) list seconds, petition regd no. 402 dt 3-10-1924 from A. Rajachar appealing against Govt order refering the parties to the Civil Court in the matter of the alienation of

over.

in Kayamgutta Ranga
-nathapura village,
Bangalore Taluk, endowed
to Sri Varasiddha
Swami temple in Balepet,
Bangalore city.

& have etc.

List of enclosures.

Copied by

Examined by

MYL 0563—GBB—2,500—27-7-22

No. C 481/24-25 Office of the Muzrai Commissioner in Mysore.
incs four files

Dated Bangalore, 20th December 1924.

From

K. Chandy, Esquire., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

1032

To

Mr. K. V. Anantaraman, Esquire., B.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Muz. 85-24-2.

Sir,

With reference to your letter No.569/Muz.85-24-2 dated 21st -- October 1924, re the petition of A. Rajachar, appealing against this -- office order confirming the Deputy Commissioner's order directing the parties to go to the Civil Court in the matter of the alienation of S. No.13 in Kayamgutta Ranganathapura Village, Bangalore Taluk, endowed to Sri Narasimhaswamy temple, in Balepet Bangalore City, I have the honor to submit herewith the entire records bearing on the subject together with the said appeal petition and its enclosures.

The facts of the case are fully set forth in the preamble to -- this office order No.R.Dis.1 of 24-25 dated 8th July 1924 which file is also enclosed.

I have the honor to be,
Sir,
Your most obedient servant,
K. Chandy
Muzrai Commissioner.

KSR.

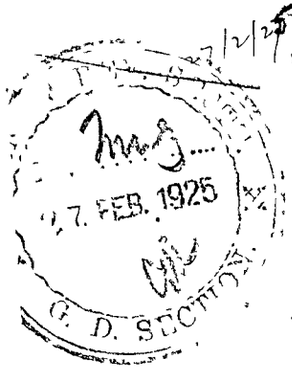
5 JAN 1925
MUZRAI

3. JAN. 1925

H. Ramarao
Sehsad i/c

Bangalore
2. 1. 25

Dis. 1416.



KVL
27/2/25

Before the Government of His Highness the Maharaja of Mysore.

APPEAL No. 13 OF 1924-5.

APPELLANT	vs.	RESPONDENT
A. Rajachar Son of Ramachar, Kayamgittadar, Ranganathpura Village, Bangalore SUBJECT.		1. Ramakrishnappa, Bangalore 2. Varadachar, Bangalore

Appeal against the Inuzrai Comr's. order no. R. Dis / 24-25 dated 8th July 1924 referring the parties to the Civil court in the matter of the alienation through permanent lease, of S. no. 13 in Kayamgitta Ranganatha pura Village, Bangalore Taluk, said to have been endowed by Kayamgittadars as inam to Sri Narasimha Swamy temple in Balepet, Bangalore city.

Order

The case was heard on 27th Jany 1925. The appellant was represented by A731 Mr. Ranjmudiah, Advr., and the respondents by Mr. M. Ramachandra Rao, Advocate

from the records it would appear that the land in question was not endowed by such as viam to the temple. If it was granted to the temple at all, it must have been by the Nandavan and not by such.

Though under sec. 10 of the Mukh. Regn., a Mukh. Officer has power to direct the restoration to a Mukhai institution of lands belonging to it which have been wrongfully alienated - even though such lands are not Devadaya viam - it is necessary that before he exercises such a power, he should be convinced beyond doubt that the lands are really the property of the institution, as his action is liable to be challenged by the parties concerned by a civil suit under Sec. 12 of the Regn.

In the present case, it cannot be said that the ownership of the land in question by the temple as against the respondent who claims it as his personal property, has been established beyond all doubt. In the circumstances,

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

it has not been proper for the Mag. officers to interfere with the possession of the lands under Sec. 10 of the Mezrai Reg^{n}. but after the Mag Court that the case is one in which the parties concerned should themselves get the matter adjudicated in a civil court. The appeal is accordingly dismissed.

Memo no 1298 dt 2.3.25
Mag. 85-Adl- & Enclosures

Copy of the Mag. Court with the records received with his letter no. C 481 dt 22.12.24.

B-o.

16.2.25

Secretary.
Rev Dept

The order may be pronounced

Submitted

M
16.2.25.

16.2.25

1310 dt 7-3-25
with enclosures.
Copy of appellant's petition
Copy of this appeal

WD 2230—GPB—1,00,000—23-7-20

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 1299—Muz. 85-24-4, dated 2nd March 1925.

Sri Narasimhaswami temple, Balepet, Bangalore City.

Rejects the appeal of Rajachar *re* the land said to have been gifted to —— as Inam by the Kayamguttadars of Ranganatnapura Village.

APPEAL No. 13 OF 1924-25

Appellant:—

P. Rajachar, son of Ramachar, Kayamguttadar, Ranganathapur Village, Bangalore Taluk.

Vs.

Respondent:—

1. Ramakrishnappa, Bangalore, and (2) Varadachar, Bangalore.

Subject—

Appeal against the Muzrai Commissioner's Order No. R. Dis. 1 of 1924-25, dated the 8th July 1924, referring the parties to the Civil Court in the matter of the alienation through permanent lease, of Survey No. 13 in Kayamgutta Ranganathapura Village, Bangalore Taluk, said to have been endowed by Kayamguttadars as inam to Sri Narasimhaswami temple in Balepet, Bangalore City.

The case was heard on the 27th January 1925, the appellant was represented by Mr. Nanjundiah, Advocate, and the respondents by Mr. Ramachandra Rao, Advocate.

ORDER.

From the records it would appear that the land in question was not endowed by Government as inam to the temple. If it was granted to the temple at all, it must have been by the Inamdar and not by Government.

Though under Section 10 of the Muzrai Regulation, a Muzrai Officer has power to direct the restoration to a Muzrai institution of lands belonging to it which have been wrongfully alienated—even though such lands are not Devadaya inam—it is necessary that before he exercises such a power, he should be convinced beyond doubt that the lands are really the property of the institution as his action is liable to be challenged by the parties concerned by a Civil Suit under Section 12 of the Regulation.

In the present case, it cannot be said that the ownership of the land in question by the temple as against the respondent who claims it as his personal property, has been established beyond all doubt. In the circumstances, it will not be proper for the Muzrai Officer to interfere with the possession of the lands under Section 10 of the Muzrai Regulation. Government agree with the Muzrai Commissioner that the case is one in which the parties concerned should get the matter adjudicated in a Civil Court. The appeal is accordingly dismissed.

MEMO No. 1299—MUZ 85-24-4, DATED 2ND MARCH 1925.

Copy forwarded to the Muzrai Commissioner with the records received with his letter No. 481 dated 22nd December 1924.

By Order,
K. V. ANANTARAMAN,
Secretary to Government,
Revenue Department.

Exd.—P.S.,R.N.

W D 1981—GPB.-875—27-3-25.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 1299—Muz 85-24-4, dated 2nd March 1925.

Sri Narasimhaswami temple, Balepet, Bangalore City.

Rejects the appeal of Rajachar *re* the land said to have been granted to —— as Inam by the Kayamguttadars of Ranganathapura Village.

APPEAL No. 13 OF 1924-25

Appellant:—

P. Rajachar, son of Ramachar, Kayamguttadar, Ranganathapur Village, Bangalore Taluk.

Vs.

Respondent:—

1. Ramakrishnappa, Bangalore, and (2) Varadachar, Bangalore.

Subject—

Appeal against the Muzrai Commissioner's Order No. R. Dis. 1 of 1924-25, dated the 8th July 1924, referring the parties to the Civil Court in the matter of the alienation through permanent lease, of Survey No. 13 in Kayamgutta Ranganathapura Village, Bangalore Taluk, said to have been endowed by Kayamguttadars as inam to Sri Narasimhaswami temple in Balepet, Bangalore City.

The case was heard on the 27th January 1925, the appellant was represented by Mr. Nanjundiah, Advocate, and the respondents by Mr. Ramachandra Rao, Advocate.

ORDER.

From the records it would appear that the land in question was not endowed by Government as inam to the temple. If it was granted to the temple at all, it must have been by the Inamdar and not by Government.

Though under Section 10 of the Muzrai Regulation, a Muzrai Officer has power to direct the restoration to a Muzrai institution of lands belonging to it which have been wrongfully alienated—even though such lands are not Devadaya inam—it is necessary that before he exercises such a power, he should be convinced beyond doubt that the lands are really the property of the institution as his action is liable to be challenged by the parties concerned by a Civil Suit under Section 12 of the Regulation.

In the present case, it cannot be said that the ownership of the land in question by the temple as against the respondent who claims it as his personal property, has been established beyond all doubt. In the circumstances, it will not be proper for the Muzrai Officer to interfere with the possession of the lands under Section 10 of the Muzrai Regulation. Government agree with the Muzrai Commissioner that the case is one in which the parties concerned should get the matter adjudicated in a Civil Court. The appeal is accordingly dismissed.

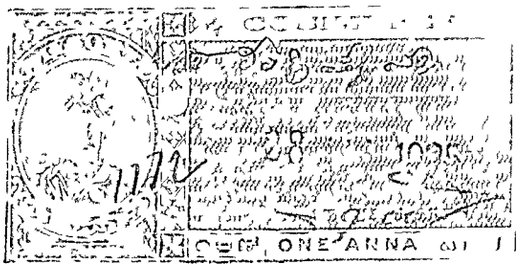
MEMO No. 1299—MUZ 85-24-4, DATED 2ND MARCH 1925.

Copy forwarded to the Muzrai Commissioner with the records received with his letter No. 481 dated 22nd December 1924.

By Order,
K. V. ANANTARAMAN,
Secretary to Government,
Revenue Department.

Ead.—P.S.F.N.

W D 1981—GPI—57—27-3-25



GEN.ª 29 JAN 1925 MUZ

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